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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL SANZARO,

Plaintiff(s),

v.

VALORIE J. VEGA, et al.,

Defendant(s).

2:12-CV-1980 JCM (PAL)

ORDER

Presently before the court is plaintiff Michael Sanzaro's motion for relief of the order signed on April 1, 2013. (Doc. # 19). Defendant Valerie J. Vega filed a response. (Doc. # 20). Plaintiff replied. (Doc. # 21).

I. Factual Background

Plaintiff filed a notice of appeal on March 20, 2013, appealing this matter. (Doc. # 15). On March 27, 2013, the Ninth Circuit filed a referral notice to the district court for the limited purpose of determining whether plaintiff's in forma pauperis status should continue on appeal and whether the appeal was frivolous or taken in bad faith. (Doc. # 17). In response, this court issued an order certifying that the appeal was frivolous and not taken in good faith. (Doc. # 20). Plaintiff filed a motion for relief from that order. (Doc. # 19).

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II. Legal Standard

Under Federal Rule of Civil Procedure 60(b), "the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief." FED.R.CIV.P. 60(b).

III. Discussion

In this case, the relief requested is inappropriate for two reasons. First, this matter was referred to the district court for the limited purpose of certifying whether the appeal was taken in good faith. If plaintiff takes issue with this court's determination of the legitimacy of his appeal, he may properly challenge this court's certification under Federal Rule of Appellate Procedure 24(a)(4) and (5).¹ Plaintiff was directly advised of this in the court's previous order. Second, this court has already ordered that it "will not entertain any other motions in this closed case." (Doc. # 14). This statement directly governs the circumstances here.

III. Conclusion

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Michael Sanzaro's motion for relief of the order signed on April 1, 2013 (doc. # 19) be, and the same hereby is, DENIED.

DATED June 13, 2013.


UNITED STATES DISTRICT JUDGE

¹ 1 However, the timeliness of this procedural route may have lapsed.